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ML:MWG
F. #2019R01506

★ DEC 30 2019 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

JOHN CULBERT,
JOHN MCMILLAN and
CLIFTON SALVODON,

Defendants.

I N D I C T M E N T
CR 19-613

Cr. No. _____

(T. 18, U.S.C., §§ 922(g)(1), 924(a)(2),
924(c)(1)(A)(i), 924(c)(1)(A)(ii),
924(d)(1), 981(a)(1)(C), 1951(a), 2 and
3551 et seq.; T. 21, U.S.C., § 853(p); T.
28, U.S.C., § 2461(c))

----- X COGAN, J.

THE GRAND JURY CHARGES:

COUNT ONE
(Hobbs Act Robbery Conspiracy)

REYES, M.J.

1. On or about September 30, 2019, within the Eastern District of New York and elsewhere, the defendants JOHN CULBERT, JOHN MCMILLAN and CLIFTON SALVODON, together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of merchandise from a commercial warehouse located at 335 37th Street in Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a) and 3551 et seq.)

COUNT TWO
(Attempted Hobbs Act Robbery)

2. On or about September 30, 2019, within the Eastern District of New York and elsewhere, the defendants JOHN CULBERT, JOHN MCMILLAN and CLIFTON

SALVODON, together with others, did knowingly and intentionally attempt to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of merchandise from a commercial warehouse located at 335 37th Street in Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT THREE

(Possessing and Brandishing a Firearm During a Crime of Violence)

3. On or about September 30, 2019, within the Eastern District of New York and elsewhere, the defendants JOHN CULBERT, JOHN MCMILLAN and CLIFTON SALVODON, together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to a crime of violence, to wit: the crime charged in Count Two, and did knowingly and intentionally possess such firearms in furtherance of said crime of violence, one or more of which firearms was brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 2 and 3551 et seq.)

COUNT FOUR

(Felon in Possession of a Firearm)

4. On or about September 30, 2019, within the Eastern District of New York, the defendants JOHN MCMILLAN and CLIFTON SALVODON, each knowing that he had previously been convicted in a court of one or more crimes punishable by a term of imprisonment exceeding one year, did knowingly and intentionally possess in and affecting commerce a firearm, to wit: a Taurus .38 caliber revolver.

(Title 18, United States Code, Sections 922(g)(1), 924(a)(2) and 3551 et seq.)

**CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE AND TWO**

5. The United States hereby gives notice to the defendants that, upon their conviction of either of the offenses charged in Counts One and Two, the government will seek forfeiture in accordance with: (a) Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to forfeit any property, real or personal, constituting or derived from, proceeds obtained directly or indirectly as a result of such offenses; and (b) Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any violation of any other criminal law of the United States, including, but not limited to, one (1) Taurus .38 caliber revolver bearing serial number FG53520, seized from a commercial warehouse on or about September 30, 2019, in Brooklyn, New York.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 924(d)(1) and 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

**CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS THREE AND FOUR**

7. The United States hereby gives notice to the defendants that, upon their conviction of either of the offenses charged in Counts Three and Four, the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Section 922 or Section 924, including, but not limited to, one (1) Taurus .38 caliber revolver bearing serial number FG53520, seized from a commercial warehouse on or about September 30, 2019, in Brooklyn, New York.

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 924(d)(1); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL

Michael LaBarbera

FOREPERSON

RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

By:

Assistant U.S. Attorney

No.

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

v/s.

JOHN CULBERT, *et al.*,

Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 922(g)(1), 924(a)(2), 924(c)(1)(A)(i),
924(c)(1)(A)(ii), 924(d)(1), 981(a)(1)(C), 1951(a), 2 and 3551 et seq.;
T. 21, U.S.C., § 853(p); T. 28, U.S.C., § 2461(c))

A true bill.

Michael J. Borlire

Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Michael W. Gibaldi, Assistant U.S. Attorney (718) 254-6067